
Appeal Decision

Site visit made on 30 October 2019

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2019

Appeal Ref: APP/Q3630/W/19/3234568

231 Chertsey Road, Addlestone, Surrey KT15 2EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr G Favata against the decision of Runnymede Borough Council.
 - The application Ref RU.18/1929, dated 3 December 2018, was refused by notice dated 11 June 2019.
 - The development proposed is erection of a two storey side extension, single storey front extension and two storey and single storey rear extensions to the existing dwelling to facilitate the creation of an attached two storey dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a two storey side extension, single storey front extension and two storey and single storey rear extensions to the existing dwelling to facilitate the creation of an attached two storey dwelling at 231 Chertsey Road, Addlestone, Surrey KT15 2EW in accordance with the terms of the application, Ref RU.18/1929, dated 3 December 2018 subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr G Favata against Runnymede Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are whether the proposed plot sizes would result in a cramped form of development harmful to the character of the area and to the living conditions for future occupiers.

Reasons

Character

4. No.231 Chertsey Road is a two storey semi-detached building in residential use. It is paired with 229 Chertsey Road, which has a commercial ground floor use with a flat above. The original symmetry to the pair has been lost through alterations and a two storey front extension to no.229. To the rear of the pair is a narrow open storage yard used in association with the commercial use at no.229. The appeal site includes land at 231 Chertsey Road and that part of the open storage yard immediately to the rear of it. The Council do not object to the impact of the various extensions proposed on the character of the area

but to the limited depth and size of the rear gardens for the two dwellings proposed.

5. Policy HO9 of the Runnymede Borough Local Plan Second Alterations (2001) (BLP) relates to new housing and at (c) requires proposals to “*provide generous garden areas with a minimum depth of 10.6m and/or make provision for open space to accord with Policy R3*”. The proposal does not make provision for off site open space.
6. Neither party has commented on the degree to which the proposed rear gardens would fall short of the minimum depth of 10.6m required. The appellant refers to the depth of the existing garden as 7.6m. This would be reduced through construction of rear extensions. But the depth of the proposed rear gardens would benefit from inclusion of land at the storage yard. In my estimation it would be a little over 9m. Whilst this is less than the depth specified in Policy HO9, it would not be far short of it.
7. The policy also requires generous garden areas. The Council states that the width of the plots would be 6.6m and 5.14m. The appellant has calculated their areas to be 61.5 sqm and 47sqm. The surrounding area is mainly residential in character predominantly formed of semi-detached houses with long back gardens. However, there are some dwellings with back gardens that are shorter or smaller than the gardens now proposed, for example at 1 Wheatash Road and at 239 Chertsey Road.
8. The rear gardens proposed for the two dwellings would not be cramped given their length and width, but they would be smaller and shorter than most in the surrounding area. The proposed gardens would not be readily perceived from public viewpoints, but they would nonetheless have some impact on the character of the area. There would be conflict with Policy HO9 and with Policy BE2 of the BLP which requires respect of townscape character in relation to factors including plot sizes and ratios. However, the harm arising from that conflict would be limited in scope.

Living conditions

9. The Council contends that the quality and functionality of the gardens provided would be compromised by trees and existing structures. There is a line of trees in the adjacent back garden at 233 Chertsey Road, but as these are to the north of the site they would not result in overshadowing. There is a single storey outbuilding in the back garden to 229 Chertsey Road that would cast a shadow towards the rear part of the house on plot 1 and its garden. However, extensions and outbuildings of such profile are not uncommon adjacent to back gardens and given the overall depth and width of the garden, the presence of the adjacent outbuilding would not unduly compromise the garden’s quality or functionality. Part of the flank wall to the house at 2a Wheatash Road would be seen beyond the rear boundary to the house on plot 1 but given the limited extent of the overlap and the separation distances, the presence of the flank wall would not unduly limit the amenity or effective use of the garden.
10. The Council also contends that the living room to the house on plot 1 would be dark and not provide high quality accommodation. There would be some shading from the outbuilding at no.229 but the living room would benefit from triple opening rear facing doors, a roof light and a dual aspect as this would be a through room. There would be satisfactory levels of natural lighting.

11. Overlooking of the gardens from the upper windows at the flat at 229 Chertsey Road would be similar to the present arrangement and that which is common place in built up areas. The depth of the rear extensions would afford increased privacy for the patio areas adjacent to the back of the proposed dwellings.
12. The proposal would provide acceptable living conditions for future occupiers of the dwellings in relation to useable garden areas and natural lighting. As both units would have just two bedrooms, the recreational demands on the gardens would not be likely to be as high as for larger family houses. The proposal would accord with Paragraph 127 of the National Planning Policy Framework (the Framework) that requires developments to have a high standard of amenity for existing and future users.

Other matters

13. I have noted the representation on the proposal from the occupiers of an adjacent dwelling. The provision of only obscured glazed first floor rear windows would address a concern raised in relation to a previous proposal and ensure that there would be no adverse impact on the privacy of neighbours. Moreover, the removal of the adjacent open storage area would be likely to result in an enhancement of the residential amenity of neighbouring occupiers.

Planning balance

14. The proposal would result in the benefit of an additional housing unit. As the Council cannot currently demonstrate a five year housing land supply, Paragraph 11 of the Framework specifies that there should be a presumption in favour of sustainable development; furthermore, that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
15. The site is in a sustainable location. It is my judgement that the limited harm arising from the shortfall in the depth and size of the back gardens on the character of the area in relation to development plan policies would be outweighed by the benefits of providing two otherwise satisfactory housing units.

Conditions

16. I have had regard to the conditions suggested by the Council in the event of the appeal being allowed and note that the appellant has no objection to these. I have however amended some conditions in the light of Planning Practice Guidance.
17. In addition to a condition relating to the statutory time period for commencement of work, a condition is necessary to list the plan numbers in the interests of certainty and to enable submission of minor material amendment applications should this be necessary. A condition requiring the use of matching external materials is needed to ensure a satisfactory appearance. To ensure that privacy is safeguarded in adjoining dwellings, a condition is necessary to ensure that first floor rear windows are installed as approved and to control the formation of subsequent openings. Highway conditions are necessary to ensure the provision of parking and turning areas and alterations to the vehicular access. In the interests of sustainability, a condition requiring installation of electric vehicle charging points is appropriate.

Conclusion

18. The proposed plot sizes would not result in a cramped form of development. Any harm to the character of the area and to the living conditions of future occupiers would be limited and outweighed by the benefits of the proposal. For the reasons given, and having regard to all other matters raised, the appeal is allowed.

Rory MacLeod

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
229-20; 231-21a; 231-22 and 231-060100.
- 3) The external surfaces of the development hereby permitted shall be constructed in materials to match those on the existing building.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, roof lights or other openings at first floor level or above, other than those expressly authorised by this permission, shall be formed in the side or rear elevations of the dwellings hereby approved, and the rear windows at first floor level shall be installed and thereafter maintained in the form shown on drawing no. 231-060100.
- 5) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 229-20 for 2 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear; thereafter the parking and turning areas shall always be kept available for their designated purposes.
- 6) No part of the development shall be first occupied unless and until the proposed modified vehicular access to Chertsey Road has been constructed in accordance with the approved plan no. 229-20; thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.
- 7) The development hereby approved shall not be occupied unless and until both of the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the local planning authority; thereafter the installations shall be retained and maintained in good working order.